

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That counsel for the Defendant has received a verbal plea offer from the government that is within the parameters of what Mr. Brady said he previously would accept. Counsel has sent Mr. Brady a letter outlining the terms.
  2. That counsel for the Defendant has been unable to relay that offer to him in person due to difficulties scheduling a visit with the new facility in Pahrump, Nevada.
  3. The defendant is in custody and does not object to this continuance.
  4. The parties agree to this continuance.
  5. Denial of this request would deny counsel for defense sufficient time within which to be able to effectively and thoroughly research, prepare and submit for filing appropriate pretrial motions and notices of defense, taking into account the exercise of due diligence.
  6. The additional time requested by this Stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code Sections 3161 (h)(1)(F)3161(h)(7) and Title 18, United States Code, Section 3161(h)(8)(B)(iv).
  7. This is the third request to continue filed herein.

1 For all of the above-stated reasons, the ends of justice would best be served by a continuance of the  
2 motion and trial dates.

3 **CONCLUSIONS OF LAW**

4 Denial of this request would deny counsel for defense sufficient time within which to be able to  
5 effectively and thoroughly research, prepare and submit for filing appropriate pretrial motions and notices  
6 of defense, taking into account the exercise of due diligence.  
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8 The additional time requested by this Stipulation is excludable in computing the time within which  
9 the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code Sections 3161  
10 (h)(1)(F)3161(h)(7) and Title 18, United States Code, Section 3161(h)(8)(B)(iv).

11 **ORDER**

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13 IT IS FURTHER ORDERD that the calendar call currently scheduled for October 12, 2010 at  
14 8:30AM be vacated and the trial currently scheduled for October 18, 2010, at the hour of 9:00A.M., be  
15 vacated and set for a status check on Monday, 11/15/10 at the hour of 10:00am.

16 DATED 8 day of October, 2010.

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UNITED STATES DISTRICT JUDGE